

HOUSE BILL 1336

E2, L1

(0lr2957)

ENROLLED BILL

— Judiciary/Judicial Proceedings —

Introduced by **Washington County Delegation**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

_____ day of _____ at _____ o'clock, _____ M.

Speaker.

CHAPTER _____

1 AN ACT concerning

2 **Washington County – Domestic Violence – GPS Tracking System Pilot**
3 **Program for Offenders**

4 FOR the purpose of ~~authorizing requiring the court in~~ Washington County to
5 implement a global positioning satellite tracking system pilot program that ~~will~~
6 ~~require~~ authorizes the court, as a condition of a defendant’s pretrial release on a
7 charge of violating a certain protective order, ~~that the court~~ to order that the
8 defendant be supervised by means of active electronic monitoring as a condition
9 of bail under certain circumstances; ~~authorizing requiring the court in~~
10 Washington County to implement a global positioning satellite tracking system
11 pilot program that ~~will require~~ authorizes the court, if the court suspends the
12 sentence of a certain defendant convicted of failing to comply with certain relief
13 granted in an interim protective order, temporary protective order, or final
14 protective order, ~~that the court place~~ to order that the defendant ~~under~~ be
15 supervised by active electronic monitoring as a condition of probation under

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.

Italics indicate opposite chamber/conference committee amendments.



1 certain circumstances; requiring a certain defendant to pay certain fees
 2 established by the county under certain circumstances; ~~authorizing the county~~
 3 ~~court to exempt the defendant from the fee under certain circumstances;~~
 4 requiring the Sheriff of Washington County and the administrative judge for
 5 the District Court in Washington County to submit a certain report on the pilot
 6 program; providing for the termination of this Act; providing that the
 7 abrogation of this Act does not terminate the obligation of a defendant to comply
 8 with an order entered by a court under this Act on or before a certain date; and
 9 generally relating to a ~~pilot program for the electronic monitoring of defendants~~
 10 ~~subject to protective orders~~ global positioning satellite tracking system pilot
 11 program in Washington County.

12 BY repealing and reenacting, without amendments,
 13 Article – Criminal Procedure
 14 Section 5–202(e)
 15 Annotated Code of Maryland
 16 (2008 Replacement Volume and 2009 Supplement)

17 BY adding to
 18 Article – Criminal Procedure
 19 Section 5–202(g)
 20 Annotated Code of Maryland
 21 (2008 Replacement Volume and 2009 Supplement)

22 BY repealing and reenacting, with amendments,
 23 Article – Criminal Procedure
 24 Section 6–221
 25 Annotated Code of Maryland
 26 (2008 Replacement Volume and 2009 Supplement)

27 BY repealing and reenacting, without amendments,
 28 Article – Family Law
 29 Section 4–509(a)
 30 Annotated Code of Maryland
 31 (2006 Replacement Volume and 2009 Supplement)

32 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
 33 MARYLAND, That the Laws of Maryland read as follows:

34 **Article – Criminal Procedure**

35 5–202.

36 (e) (1) A District Court commissioner may not authorize the pretrial
 37 release of a defendant charged with violating:

1 (i) the provisions of a temporary protective order described in §
 2 4–505(a)(2)(i) of the Family Law Article or the provisions of a protective order
 3 described in § 4–506(d)(1) of the Family Law Article that order the defendant to
 4 refrain from abusing or threatening to abuse a person eligible for relief; or

5 (ii) the provisions of an order for protection, as defined in §
 6 4–508.1 of the Family Law Article, issued by a court of another state or of a Native
 7 American tribe that order the defendant to refrain from abusing or threatening to
 8 abuse a person eligible for relief, if the order is enforceable under § 4–508.1 of the
 9 Family Law Article.

10 (2) A judge may allow the pretrial release of a defendant described in
 11 paragraph (1) of this subsection on:

12 (i) suitable bail;

13 (ii) any other conditions that will reasonably ensure that the
 14 defendant will not flee or pose a danger to another person or the community; or

15 (iii) both bail and other conditions described under
 16 subparagraph (ii) of this paragraph.

17 (3) When a defendant described in paragraph (1) of this subsection is
 18 presented to the court under Maryland Rule 4–216(f), the judge shall order the
 19 continued detention of the defendant if the judge determines that neither suitable bail
 20 nor any condition or combination of conditions will reasonably ensure that the
 21 defendant will not flee or pose a danger to another person or the community before the
 22 trial.

23 **(G) (1) THIS SUBSECTION APPLIES ONLY IN WASHINGTON COUNTY.**

24 **(2) THE ~~COURT~~ COUNTY SHALL IMPLEMENT A GLOBAL**
 25 **POSITIONING SATELLITE TRACKING SYSTEM PILOT PROGRAM AS A CONDITION**
 26 **OF PRETRIAL RELEASE OF A DEFENDANT DESCRIBED IN SUBSECTION (E) OF**
 27 **THIS SECTION.**

28 **(3) (I) THE COURT ~~SHALL~~ MAY ORDER THAT, AS A CONDITION**
 29 **OF BAIL, THE DEFENDANT BE:**

30 **1. SUPERVISED BY MEANS OF ACTIVE ELECTRONIC**
 31 **MONITORING; AND**

32 **2. EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF**
 33 **THIS PARAGRAPH, RESPONSIBLE FOR PAYING THE FEE FOR ACTIVE**
 34 **ELECTRONIC MONITORING ESTABLISHED BY THE COUNTY.**

1 (ii) IF THE ~~COUNTY~~ COURT DETERMINES THAT A
 2 DEFENDANT CANNOT AFFORD TO PAY THE FEE ESTABLISHED IN
 3 SUBPARAGRAPH (I)2 OF THIS PARAGRAPH, THE ~~COUNTY~~ COURT MAY EXEMPT
 4 THE DEFENDANT WHOLLY OR PARTLY FROM THE FEE.

5 6-221.

6 (A) ~~[On] SUBJECT TO SUBSECTION (B) OF THIS SECTION, ON~~ entering a
 7 judgment of conviction, the court may suspend the imposition or execution of sentence
 8 and place the defendant on probation on the conditions that the court considers
 9 proper.

10 (B) (1) THIS SUBSECTION APPLIES ONLY IN WASHINGTON COUNTY.

11 (2) THE ~~COURT~~ COUNTY SHALL IMPLEMENT A GLOBAL
 12 POSITIONING SATELLITE TRACKING SYSTEM PILOT PROGRAM AS A CONDITION
 13 OF PROBATION FOR A DEFENDANT CONVICTED UNDER § 4-509 OF THE FAMILY
 14 LAW ARTICLE.

15 (3) (i) ON ENTERING A JUDGMENT OF CONVICTION UNDER §
 16 4-509 OF THE FAMILY LAW ARTICLE, IF THE COURT SUSPENDS THE
 17 IMPOSITION OR EXECUTION OF SENTENCE AND PLACES THE DEFENDANT ON
 18 PROBATION, THE COURT ~~SHALL~~ MAY ORDER THAT, AS A CONDITION OF
 19 PROBATION, THE DEFENDANT BE:

20 1. SUPERVISED BY MEANS OF ACTIVE ELECTRONIC
 21 MONITORING FOR THE DURATION OF THE PROTECTIVE ORDER; AND

22 2. EXCEPT AS PROVIDED IN SUBPARAGRAPH (ii) OF
 23 THIS PARAGRAPH, RESPONSIBLE FOR PAYING THE FEE FOR ACTIVE
 24 ELECTRONIC MONITORING ESTABLISHED BY THE COUNTY.

25 (ii) IF THE ~~COUNTY~~ COURT DETERMINES THAT A
 26 DEFENDANT CANNOT AFFORD TO PAY THE FEE ESTABLISHED IN
 27 SUBPARAGRAPH (I)2 OF THIS PARAGRAPH, THE ~~COUNTY~~ COURT MAY EXEMPT
 28 THE DEFENDANT WHOLLY OR PARTLY FROM THE FEE.

29 Article - Family Law

30 4-509.

31 (a) A person who fails to comply with the relief granted in an interim
 32 protective order under § 4-504.1(c)(1), (2), (3), (4)(i), (7), or (8) of this subtitle, a
 33 temporary protective order under § 4-505(a)(2)(i), (ii), (iii), (iv), (v), or (viii) of this

1 subtitle, or a final protective order under § 4-506(d)(1), (2), (3), (4), or (5), or (e) of this
2 subtitle is guilty of a misdemeanor and on conviction is subject, for each offense, to:

3 (1) for a first offense, a fine not exceeding \$1,000 or imprisonment not
4 exceeding 90 days or both; and

5 (2) for a second or subsequent offense, a fine not exceeding \$2,500 or
6 imprisonment not exceeding 1 year or both.

7 SECTION 2. AND BE IT FURTHER ENACTED, That, on or before September
8 1, 2012, the Sheriff of Washington County and the administrative judge for the
9 District Court in Washington County jointly shall submit a report to the General
10 Assembly, in accordance with § 2-1246 of the State Government Article, that
11 evaluates the global positioning satellite tracking system pilot program established by
12 this Act.

13 SECTION 3. AND BE IT FURTHER ENACTED, That the abrogation of this Act
14 at the end of September 30, 2012, as provided in Section 4 of this Act, may not be
15 interpreted or applied to terminate the obligation of a defendant to comply with any
16 order entered by a court under this Act on or before September 30, 2012.

17 SECTION ~~3~~ 4. AND BE IT FURTHER ENACTED, That this Act shall take
18 effect October 1, 2010. It shall remain effective for a period of 2 years and, at the end
19 of September 30, 2012, with no further action required by the General Assembly, this
20 Act shall be abrogated and of no further force and effect.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.